

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**

Wednesday, June 21, 2006 – 2:00 p.m. – Room W020 House Building

Members Present:

Sen. D. Chris Buttars, Chair
Rep. DeMar "Bud" Bowman, Chair
Sen. Allen Christensen
Sen. Fred J. Fife
Sen. Mark B. Madsen
Rep. J. Stuart Adams
Rep. D. Gregg Buxton
Rep. LaVar Christensen
Rep. Patricia W. Jones

Rep. David Litvack
Rep. Michael T. Morley
Rep. Curtis Oda
Rep. Paul Ray
Rep. Jennifer M. Seelig

Staff Present:

Mr. Stewart E. Smith, Policy Analyst/Special Projects Mgr.
Ms. Susan Creager Allred, Associate General Counsel
Ms. Wendy Bangerter, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Bowman called the meeting to order at 9:05 a.m.

MOTION: Rep Oda moved to approve the minutes of the May 17, 2006 meeting. The motion passed unanimously with Sen. Buttars, Rep. Litvack, Rep. Morley, and Rep. Seelig absent for the vote.

2. Access to Programming for Inmates With Mobility Impairments

Ms. DeRae Preston, Attorney, Disability Law Center, reported on an investigation regarding access of inmates with disabilities to programming at the Utah State Prison. She stated that UDC (Utah Department of Corrections) does meet these inmates' needs and described the procedures that are in place. She noted that the Center's findings are evidence for not privatizing the state's prisons.

Chair Bowman introduced Rep. Jennifer Seelig, who is replacing Rep. Duane Bourdeaux on the Committee.

3. Prison Offender Population

Ms. Christine Mitchell, Deputy Director, UDC, distributed and reviewed a document created in response to questions raised at the May interim meeting. Her report included comparative information from 1982 to 2005 on incarceration rates, felony sentences, total prison admissions, growth in drug offense admissions, recidivism, impact of treatment, and aliens in Utah prisons.

Mr. Leo Lucey, Assistant to the Director, UDC, distributed "Interstate Commission for Adult Offender Supervision" 2005 annual report and discussed issues relating to the Adult Probation and Parole Interstate Compact. He also provided an update on inmate population management.

4. Utah's Sentencing Structure: Implications for "Jessica's Law"

Ms. Susan Allred referred to the committee's information packet regarding Florida's "Jessica's Law." She provided a comparison of Florida's law and Utah law. She reviewed tools Utah currently has that help track and apprehend sex offenders.

Mr. Tom Patterson, Director, Utah Sentencing Commission, reviewed Utah's indeterminate sentencing system and addressed how sex crimes are prosecuted in this system. He spoke of the value of the flexibility of Utah's system that allows more control and gives more incentive for parolees to not offend again. He spoke in favor of Utah keeping the present system and modifying it carefully, if needed.

Mr Paul Parker, Division Chief, Salt Lake County District Attorney's Office, presented the prosecutor's perspective of the state's system for sex offenders. He spoke in favor of the flexible system, which he says focuses on the sensitive situation of the victim's case by allowing the settlement of a case rather than suffering the demands of a trial. This sentencing scheme also allows the Board of Pardons to determine the appropriate duration of the offender's sentence.

5. Authority of Private Security Officers

Lt. Richard Tallent, All American Security Corp., distributed and discussed language changes to Title 58, Chapter 63, Part 3. He explained the confusion that law enforcement officers have regarding the authority of private security agents. Mr. Tallent's proposed statute change would add specified authority for security agents. Mr. Tallent responded to questions from the Committee.

Mr. Walter Broschel, Professor, Everest College, explained that he was asked by several private security companies to write a training curriculum for private security certification, which he has done.

Captain Mike Gunn, Metro Security, explained some issues regarding private security businesses' operations. Mr. Ed Phillips, Deputy Commissioner, Department of Public Safety, said he feels the current law adequately allows private security companies to operate.

Major Rich Townsend, Director, Peace Officers Standards and Training Academy, stated that the Sheriff's and Police Chief's Associations will not support this proposed change. He questioned the accountability and oversight of private security agencies' training. He also noted that any citizen can make an arrest, and that law enforcement officers follow statutory procedures in making arrests.

Sen. Buttars said he would not recommend granting more authority to private security agents.

Mr. Tallent stated that he felt the more important issues he presented have been overshadowed by the more controversial issues. He asked the Committee to consider items 1, 2, 4, and 9, specifically, on his list.

Mr. Kelly Atkinson, representing the Fraternal Order of Police, spoke in support of the current laws, saying they meet the needs of the citizens. He said that this proposed legislation blurs the lines.

MOTION: Rep. Ray moved to have the Committee state its position as not supporting the proposed language presented to them.

6. Other Items/Adjourn

SUBSTITUTE MOTION: Sen. Christensen moved to adjourn the meeting. The motion passed unanimously with Sen. Buttars, Rep. Adams, Rep. Buxton, and Rep. Christensen absent for the vote.

Chair Bowman adjourned the meeting at 11:47 a.m.